

### **REMARKS/ARGUMENTS**

In view of the amendments and remarks herein, favorable reconsideration and allowance of this application are respectfully requested. By this Amendment, claims 1-21 are amended, solely for clarity. A Request for Continued Examination (RCE) is being filed concurrently herewith. Thus, claims 1-21 are pending for further examination.

Claims 1-3, 5-10, 13-18, and 20 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Martin et al. (U.S. Patent No. 5,355,302) in view of Korn et al. (U.S. Patent No. 4,766,581) and Gordon (U.S. Patent No. 5,920,700). This three-way Section 103 rejection is respectfully traversed for at least the following reasons.

Claim 1 requires, *inter alia*, both “management information that is consultable by the server, the management information corresponding to information concerning use of and access to each said audiovisual information reproduction device, . . . and a set of possible operating parameter configurations that is consultable by the server, the operating parameters corresponding to internal functions of each said audiovisual information reproduction device.” The applied prior art references, alone and in combination, fail to teach or suggest the claimed management information and the operating parameter configurations. Thus, the prior art of record, alone and in combination, fails to render obvious claim 1 (and its dependents).

First, as made clear by claim 1, and as previously explained, management information corresponds to information concerning the use of, and access to, the devices. The specification of the present application explains what the management information can be. For instance, the management information may comprise the place where the device is, the name of the manager or of the owner of this place, the kinds of musical selections stored, etc. This type of information

concerns the use and access to the devices but not internal functions of the operating system of the devices.

Second, as made clear by claim 1, and as previously explained, the operating parameter configurations correspond to internal functions of the devices. A set of such operating parameters correspond to a configuration of the device. Examples of such operating parameters include, for example, the cost of each selection, the sound settings (sound level, but also bass and treble), the level of the microphone, the authorization of the use of a remote controller, the authorization of switching from a selection to another during the reproduction of a selection, the authorization of using free credits, the activation or inactivation of internal functions of the device, etc.

The Final Office Action alleges that Martin at col. 5, line 65 to col. 6, line 60 includes a disclosure of the claimed operating parameters. However, these types of information are different from operating parameters, inasmuch as they correspond to management information and to the musical libraries. Only the musical selection can be modified in Martin. The management information, such as “whether to replace/update specific song; available storage and available size” (as alleged in the Final Office Action) are not modified directly in Martin. The modification of the library results in the modification of this information: Adding/suppressing a musical selection will result in a change of the available storage space but, of course, Martin does not teach or suggest modifying the available storage space directly, since it has to be based on the real storage space available on the device.

Further, Martin explains at col. 6, lines 50-52 that “the central management system sends a delete, modify, add or replace command to the jukebox before downloading into the song library.” Thus, the modification -- with the modification more particularly implying a download

operation -- is realized with two successive steps contrary to what is protected by the claimed system because, when received, the file of modification command is simply executed. This single step operation is explained in the instant specification, for example, at page 30, line 36 to page 31, line 2 and at page 31, lines 5-10. Additionally, as mentioned at the end of page 31 and on page 32 of the instant specification, because the ordered songs may be transferred with an intermediary storage on a CD-ROM instead of being directly downloaded, the file-recuperation operation is realized with a single execution of a file when this file is received. Thus, this file-recuperation is not the two-step operation disclosed by Martin's document, contrary to what seems to be implied by the Final Office Action.

Martin and Gordon together arguably suggest a modification to the musical libraries, i.e., through col. 5, line 24 to col. 6, line 14 and col. 8, lines 18 to 60 of Gordon. However, there is teaching no teaching or suggestion in Martin or Gordon -- or their alleged combination -- to modify operating parameters of the devices. Indeed, the paragraphs cited in the Final Office Action only refer to management information and to contents of musical libraries. No portion of either Martin or Gordon teaches or suggests modifying operating parameters.

Korn relates to an information retrieval system comprising a servo-arm moving along a track to retrieve disks from storage racks. As mentioned in its abstract, the device comprises a control device to control the operation of the arm, the movement of the storage rack, the operation of the reader and the user stations, etc. The control device includes an interface for connecting a service console which can change operating parameters stored in control device or that can download accounting information. However, the amendable operating parameters concern the central controller of the system -- not a remote reproduction device. Indeed, the

amendable operating parameters of Korn do not even relate to the remote terminal 30 described therein.

The amendment of an operating parameter by the service console 40 in Korn briefly mentioned at col. 23, lines 10-43 is lacking in detail. Further, as mentioned in Korn's disclosure "the service control may cause the central controller to provide information. . . , the service person may modify them using the service console, and the service console may be used to command that a video disk menu be reloaded from of the disks." Consequently, here is no teaching or suggestion of a specific way to modify data in the central controller and, moreover, there is no teaching or suggestion of a way to make a modification of an operating parameter via a remote server. Thus, even the introduction of Korn fails to make up for the deficiencies of Martin and Gordon.

In view of the above, Applicant respectfully submits that even the three-way combination of Martin, Gordon, and Korn fails to teach or suggest each and every feature of claim 1 (and its respective dependents). Thus, reconsideration and withdrawal of the Section 103 rejection are respectfully requested.

Claim 4 stands rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Martin in view of Korn and Gordon, and further in view of Nichols et al. (U.S. Patent No. 6,138,150); claim 19 stands rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Martin in view of Korn and Gordon, and further in view of Kleiman (U.S. Patent No. 5,959,945); claims 11 and 21 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Martin in view of Korn and Gordon, and further in view of Rhoads (U.S. Patent No. 6,311,214); and claim 12 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Martin in view of Korn and Gordon, and further in view of Dobbs et al. (U.S.

NATHAN et al  
Appl. No. 09/584,797  
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Patent No. 5,566,237). However, the introduction of these additional references fail to make up for the fundamental deficiencies noted above.

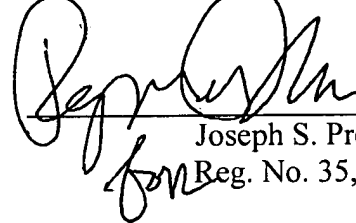
In view of the above, reconsideration and withdrawal of all outstanding Section 103 rejections are respectfully requested.

In view of the foregoing amendments and remarks, withdrawal of the rejections and allowance of this application are earnestly solicited. Should the Examiner have any questions regarding this application, or deem that any formalities need to be addressed prior to allowance, the Examiner is invited to call the undersigned attorney at the phone number below.

Respectfully submitted,

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